

Amendment No. 1 to SB0023

Gresham
Signature of Sponsor

AMEND Senate Bill No. 23

House Bill No. 92*

By deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-2109(b), is amended by deleting the present language in its entirety and by substituting instead the following language:

(b) The board shall permit the use of conventional school buses for a period of twelve (12) years of service and permit the use of Class D school buses for a period of fifteen (15) years of service. The owner of any bus shall maintain records of all maintenance actions and safety inspections performed on a bus from its in-service date and such records shall be available at all times to the commissioner of safety or the commissioner's designee. The commissioner of safety, through the inspection process, may approve an additional five (5) years of service for a conventional bus and an additional two (2) years of service for a Class D bus on a year-to-year basis. The owner of a bus may receive approval for additional years of service upon the following conditions:

(1) Any conventional or Class D school bus being operated in a sixteenth or seventeenth year of service pursuant to this subsection shall have less than two hundred thousand (200,000) miles of recorded travel; provided, however, the owner of the bus shall have a period of ninety (90) calendar days to replace such bus after the bus reaches two hundred thousand (200,000) miles of recorded travel. The bus shall meet all requirements for continued safe use and operation during the ninety (90) day period and the owner of the bus shall notify the

department of safety in writing, via certified mail, that the bus has reached two hundred thousand (200,000) miles of recorded travel;

(2) Any conventional or Class D school bus shall not exceed seventeen (17) years of service; provided, however, the owner of the bus shall have a period of ninety (90) calendar days to replace such bus after the bus reaches seventeen (17) years of service. The bus shall meet all requirements for continued safe use and operation during the ninety (90) day period and the owner of the bus shall notify the department of safety in writing, via certified mail, that the bus has reached seventeen (17) years of service;

(3) Any conventional bus with over twelve (12) years of service, but not more than seventeen (17) years of service, shall be inspected by the commissioner or the commissioner's designee at least twice annually;

(4) Any Class D bus with over fifteen (15) years of service, but not more than seventeen (17) years of service, shall be inspected by the commissioner or the commissioner's designee at least twice annually;

(5) At such inspections, the inspector shall have the authority to require repairs or reconditioning to be made which the inspector considers necessary for the continued safe use and operation of the bus. If the local authority or owner refuses to take the required action or if the inspector considers continued use of the bus to be unsafe, the inspector shall order its removal from service;

(6) In addition to any other repairs, replacements or reconditioning required by the inspector, the steering, braking and exhaust systems of all conventional school buses with over twelve (12) years of service and all Class D buses with over fifteen (15) years of service shall be thoroughly reconditioned or replaced, as necessary, prior to any continued use;

(7) Any bus with fifteen (15) years of service shall not be eligible for additional years of service unless such bus was in service by the LEA as of January 1 of the previous school year; and

(8) Any bus purchased from an out-of-state entity shall be in service in Tennessee for a minimum period of four (4) consecutive years in order to be eligible for additional years of service beyond fifteen (15) years.

SECTION 2. With respect to any conventional or Class D bus in service in Tennessee, there shall be a log of all maintenance actions and safety inspections performed. Such log shall be available at all times to the commissioner or the commissioner's designee.

SECTION 3. Boards of education are encouraged to make full use of federal funds, while available, for retrofitting diesel school buses to improve both cabin air quality and lower emissions.

SECTION 4. The commissioner of safety is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules shall be promulgated in accordance with Tennessee Code Annotated Title 4, Chapter 5.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect July 1, 2009, the public welfare requiring it.